

1 THE HONORABLE JOHN H. CHUN
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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 FEDERAL TRADE COMMISSION, *et al.*,

10 Plaintiffs,

v.

11 AMAZON.COM, INC., a corporation,

12 Defendant.

13
14 CASE NO.: 2:23-cv-01495-JHC

15 [PROPOSED] BIFURCATION
16 ORDER

17 Plaintiffs have moved to bifurcate the proceedings to conduct separate proceedings on
18 liability and, if necessary, remedy.

19 Rule 42(b) of the Federal Rules of Civil Procedure authorizes a court to conduct separate
20 proceedings on separate issues “[f]or convenience, to avoid prejudice, or to expedite and
economize.” Having duly considered Plaintiffs’ motion and Amazon’s opposition, the Court
finds that holding separate proceedings on liability and remedies will be more convenient for the
Court and the Parties and will expedite and economize this litigation.

21 IT IS THEREFORE ORDERED:

22 1. The bench trial identified in the Case Scheduling Order (Dkt. #159) will address
23 only Amazon’s liability under the FTC Act, Sherman Act, and the state laws
24 implicated by Plaintiffs’ Complaint.

- 1 2. If the Court renders a decision finding Amazon liable, the Court will schedule a
- 2 conference to address how to proceed on remedies.
- 3 3. Nothing in this Order shall (a) alter the Parties' respective abilities to offer
- 4 evidence relevant to Amazon's liability at trial nor alter the burden of proof,
- 5 persuasion, or production to establish each and every element of liability,
- 6 justifications, or defenses, or (b) limit the scope of fact discovery in this case.

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8 Dated this ____ day of _____, 2024

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10 THE HONORABLE JOHN H. CHUN
11 UNITED STATES DISTRICT JUDGE

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